

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: David M. Abramson, Planner III

**SUBJECT:** DG 9-5-05 / 05-601 / Wal-Mart / 7921 S.W. 45<sup>th</sup> Street, Davie, Florida 33314/ Generally located on the northwest corner of Orange Drive and University Drive

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "SPIELMAN-MARGOLIS REPLAT," AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The petitioner is requesting to amend the Non-Vehicular Access Line (NVAL) on the "Spielman-Margolis Replat." This is the proposed site for the new one-story 202,853 square foot Wal-Mart Supercenter within the B-2, Community Business District. This request is needed to ensure that plat access openings are consistent with those proposed on the master site plan.

Therefore, the petitioner seeks to add an 80' opening in the NVAL along the eastern boundary line, parallel to University Drive. The opening will serve as secondary access off University Drive for customer vehicles and delivery trucks. The opening will be limited to right-in and right-out movement.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Justification letter, Plat, Existing Survey, Proposed Survey, Future Land Use Map, Zoning and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE OF THE "SPIELMAN-MARGOLIS REPLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Spielman-Margolis Replat" was recorded in the public records of Broward County in Plat Book 168, Page 46; and

WHEREAS, the owners desire to amend the non-vehicular access line associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this amendment prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed amendment to the non-vehicular access line shown on the "Spielman-Margolis Replat." The proposed revision being specifically described on the planning report attached hereto as Exhibit "A."

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** David Margolis and Stanley Spielman  
c/o Margolis Enterprises  
**Address:** 141 N.W. 20<sup>th</sup> Street, Suite G-122  
**City:** Boca Raton Florida 33314  
**Phone:** (561) 338-3426  
**Fax:** (561) 338-9865

**Petitioner:**

**Name:** Wal-Mart Stores, East L.P.  
c/o Kimley-Horn and Associates, Inc.  
**Address:** 601 21<sup>st</sup> Street, Suite 400  
**City:** Vero Beach, Florida 32960  
**Phone:** (772) 562-7981

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**Background Information**

**Application Request:** Delegation request approval to amend the Non-Vehicular Access Line (NVAL) on the "Spielman-Margolis Replat."

**Address/Location:** 7921 S.W. 45<sup>th</sup> Street, Davie, Florida 33314/ Generally located on the northwest corner of Orange Drive and University Drive

**Future Land Use Plan Map:** The existing land use designation is Commercial on the Town of Davie Future Land Use Plan Map and Commercial on the Broward County Land Use Plan Map.

**Zoning:** B-2, Community Business District

**Existing Use(s):** Two (2) existing single-family residential structures

**Proposed Use(s):** (Wal-Mart Supercenter) approximately 202,853 square feet of retail including grocery and a garden center

**Parcel Size:** 36.08 Acres (1,571,481 Sq. Ft.)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Rolling Hills Lakes Estates	Residential (3.5 DU/ AC)
<b>South:</b>	Town Plaza at Davie	Commercial
<b>East:</b>	Retail/Services/Restaurants	Commercial
<b>West:</b>	Alpine Woods	Residential (5 DU/ AC)
	<b><u>Surrounding Zoning:</u></b>	
<b>North:</b>	R-5, Low Medium Density Dwelling District	
<b>South:</b>	B-2 Community Business and CF, Community Facilities Districts	
<b>East:</b>	B-1 & B-2, Neighborhood Business and Community Business Districts	
<b>West:</b>	R-5 & PRD-5, Low Medium Density Dwelling and Planned Residential Districts	

## Zoning History

### Related Zoning History:

A 'Settlement Agreement' was approved in October 1989. The 'Settlement Agreement' vested the developer to the Land Development Code in effect in 1989 with additional modifications as specified in said agreement.

*Land Use Plan Amendment Application:* On December 19, 1990, consistent with the 'Settlement Agreement,' Town Council approved Ordinance 90-068 amending the Comprehensive Plan Map of the Town of Davie, changing the land use designation from "Residential (5)" to "Commercial" on the subject site, placing the Town of Davie's Comprehensive Plan in conformity with the Broward County's Land Use Plan.

### Previous Requests on same property:

*Plat Application:* (P 8-1-91), On April 15, 1992, Town Council approved Resolution 92-078 relating to the 'Margolis Plat' were it was later recorded in public records of Broward County, Florida. The plat note restriction allowed 360,300 square feet of commercial use.

*Plat Application:* (P 8-2-91), On April 15, 1992, Town Council approved Resolution 92-079 relating to the 'Spielman Plat' were it was later recorded in public records of Broward County, Florida. The plat note restriction allowed 6,600 square feet of commercial use.

*Developers Agreement:* On July 20, 1994, Town Council approved Resolution 94-227, authorizing the appropriate Town Officials to enter into an agreement between the Town of Davie, Broward County, and Stanley Spielman as Trustee, relating to the substitution of a lien for the cash to secure the required offsite improvements for the 'Spielman Plat.'

*Replat Application:* (P 4-2-95), On October 18, 1995, Town Council approved Resolution 95-287, the 'Spielman-Margolis Re-Plat' was later recorded by the County in PB 168 Page 46 of the public records of Broward County, Florida. The plat note restriction allowed 366,900 square feet of commercial use.

*Delegation Request:* On March 16, 1999, Town Council approved Resolution 99-92, authorizing a revision to the 'Spielman-Margolis Plat' and providing an effective date. This resolution authorized a revision to the non-vehicular access line for a temporary access. The opening was limited to a maximum period of five (5) years from the date of County approval with use of the site limited to office uses within the existing buildings as permitted by the B-2 zoning district designation or agricultural uses only.

*Delegation Request:* (DG 3-1-99), On April 7, 1999, Town Council approved Resolution 99-120, authorizing a revision to the vehicular access opening of the 'Spielman-Margolis Replat.'

*Delegation Request:* (DG 6-2-99), On June 16, 1999, Town Council approved Resolution 99-212, authorizing the Mayor and Town Administrator to enter into an agreement between the Town of Davie, Broward County, David Margolis and Stanley Spielman Trustee, providing for temporary access to the 'Spielman-Margolis Replat.'

*Developer's Agreement:* (DA 4-1-00), On May 3, 2003, Town Council approved Resolution 2000-88, authorizing the Mayor and Town Administrator to enter into an agreement between the Town of Davie, Broward County, and David Margolis, individually and as Trustee, and Stanley Spielman, as Trustee and the Big Orange Development, LTD., providing for remedial measures to satisfy concurrency requirements related to the 'Spielman-Margolis Replat.'

*Site Plan Application:* (SP 4-6-03), On August 20, 2003 Town Council approved SP 4-6-03, Orange Park Office Building. This site plan was not constructed and expired on December 15, 2003.

*Delegation Request:* (DG 7-3-03), On August 20, 2003, Town Council approved Resolution 2003-202, consenting to an application for findings of adequacy for the 'Spielman-Margolis Replat' (168-46).

*Delegation Request:* (DG 8-1-03), On August 20, 2003, Town Council approved Resolution 2003-210, consenting to an amendment to the required improvements agreement for the 'Spielman-Margolis Replat' (168-46).

*Developer's Agreement:* (DA 1-2-04), On February 4, 2004, Town Council approved Resolution 2004-23, authorizing the Mayor and the Town Administrator to enter into an agreement between the Town of Davie, Broward County, David Margolis, Stanley Spielman, and the Big Orange Development, LTD., for improvements to be made at Nova Drive and University Drive; and, the installation of video detection devices at various locations throughout the Town for the 'Spielman-Margolis Replat.'

**Concurrent Requests on same property:**

*Master Site Plan Application:* (MSP 6-1-05), this application is for a Wal-Mart Supercenter which is proposed to be approximately 202,853 square feet of retail including grocery and a garden center on the 'Spielman-Margolis Replat.'

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## **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

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## **Comprehensive Plan Considerations**

**Planning Area:**

The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three (3) to (22) dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

**Town of Davie Comprehensive Plan:**

The Comprehensive Plan specifies within the Commercial Land Category the scale of community developments.

*Community Shopping Centers:* typically range from approximately 100,000 to 300,000 square feet of gross leasable area and is generally built around one or more junior department store(s), variety store(s) or "big box" specialty store(s) and supermarket as the major tenant. Community shopping centers typically range in area from approximately 10 to acres and serve trade areas ranging from estimated 40,000 to 150,000 people.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Element, Policy 7-1:* The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

*Future Land Use Element, Policy 7-4:* Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways, and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as Commercial corridors should be limited to the intersection of two arterials or arterials and

interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential Commercial use.

*Future Land Use Element, Policy 17-1:* Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

*Future Land Use Element, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## **Application Details**

The petitioner is requesting to amend the Non-Vehicular Access Line (NVAL) on the "Spielman-Margolis Replat." This is the proposed site for the new one-story 202,853 square foot Wal-Mart Supercenter within the B-2, Community Business District. This request is needed to ensure that plat access openings are consistent with those proposed on the master site plan.

Therefore, the petitioner seeks to add an 80' opening in the NVAL along the eastern boundary line, parallel to University Drive. The opening will serve as secondary access off University Drive for customer vehicles and delivery trucks. The opening will be limited to right-in and right-out movement.

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## **Staff Analysis**

The Comprehensive Plan and Land Development Code permits parcels designated B-2, Community Business District to be developed with retail uses. Approval of this request is subject to Broward County Development Management Division. Broward County is the lead agency in assessing the impact of development through the plat and/or delegation request process.

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## **Findings of Fact**

Staff finds the plat amendment consistent with the site plan and is compatible with the surrounding areas. Staff has no objection to the request.

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## **Staff Recommendation**

Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

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## Town Council Action

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### Exhibits

1. Justification letter
2. Plat
3. Existing Survey
4. Proposed Survey
5. Future Land Use Map
6. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



## Exhibit 1 (*Justification Letter*)



Kimley-Horn  
and Associates, Inc.

### Justification Letter

Wal-Mart #2987-01, NSC  
NEC of Orange Drive & University Drive  
Davie, Florida

■  
Suite 300  
601 21st Street  
Vero Beach, Florida  
32960

The proposed change includes an amendment to the Non-Vehicular Access Line to add an 80' access opening at the northeast property corner along University Drive. The access will serve as a secondary access on University Drive for customer vehicles and also as a truck access. The proposed northeast entrance on University Drive will help reduce the number of vehicles that try to access the site from Orange Drive and the main entrance on University Drive. The vehicular access will be limited to right-in and right-out movements.

■  
TEL 772 562 7981  
FAX 772 562 9689



SPIELMAN-MARGOLIS REPLAT

A REPLAT OF TRACT A, SPIELMAN PLAT (PB.156 PG.378C.) AND TRACT A, MARGOLIS PLAT (PB.156 PG.38B.C.R.)  
IN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST  
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

C. G. WINDENHUIS COOP.  
1040 N. E. 45TH STREET  
Ft. Lauderdale, Florida 33304  
Phone 462-8121

**DEDICATION**

WE, THE BOARD OF DIRECTORS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS, HEREBY DEDICATE TO THE SOCIETY THE USE OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BUILDING, 345 EAST 47TH STREET, NEW YORK 17, N.Y., AS THE HOME OF THE SOCIETY'S HEADQUARTERS. WE HEREBY DEDICATE TO THE SOCIETY THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BUILDING, 345 EAST 47TH STREET, NEW YORK 17, N.Y., AS THE HOME OF THE SOCIETY'S HEADQUARTERS.

FOR STONY BROOK, CONNECTICUT AND TOLLAND, CONNECTICUT

10/25/56 10/25/56 10/25/56 10/25/56

WITNESS James D. Lee  
PRINT NAME James D. Lee

WITNESS John H. Singer  
PRINT NAME John H. Singer

THE BTG CHANGE DEVELOPMENT, L.L.C.  
DAVID NAIGOLIS, PRESIDENT -  
UNIVERSITY DEVELOPMENT CORP. - BRIDGAL  
PARTNER OF THE BTG CHANGE DEVELOPMENT, L.L.C.

**ACKNOWLEDGEMENT**

I HEREBY CERTIFY THAT ON THIS DATE PERSONALLY APPEARED  
STATE OF FLORIDA )  
COUNTY OF \_\_\_\_\_ )  
\_\_\_\_\_, SIGNED AND SUBSCRIBED TO THE FOREGOING DEED,  
ADDITIONS, AMENDMENTS, ETC., TO ME KNOWING TO BE THE DRAFTER  
DEVELOPMENT, L.T.B., AND HE ACKNOWLEDGED TO ME THE EXECUTION OF THE FOREGOING INSTRUMENT FOR  
THE PURPOSES SET FORTH THEREIN. I HAVE RECEIVED IN FULL MY HONO. AND TRULY  
MY COMMISSION EXPIRES \_\_\_\_\_ 19\_\_\_\_.

*Noted Vice Signer*  
NOTARY PUBLIC, STATE OF FLORIDA

**MORTGAGEE APPROVAL**

THIS PLAN IS HEREBY APPROVED BY THE OWNER AND HOLDER OF A MORTGAGE ON THE LANDS DESCRIBED HEREIN AND THE SAME DOES NOT CONSTITUTE AN AFFIRMATION OF ANY STATEMENT MADE IN THIS PLAN.

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**NATIONAL FIRE INSURANCE COMPANY**  
WASHINGTON, D.C. 20250  
FARMERS GROUP LIFE INSURANCE CO.  
CHICAGO, ILL. 60601

WITNESS B. N. Smith  
PRINT NAME MARY McFARLANE

WITNESS John  
PRINT NAME John

BY Lynda Napoletano S.M.P.  
PRINT NAME Lynda Napoletano

OFFICIAL BANK OF  
MASSACHUSETTS

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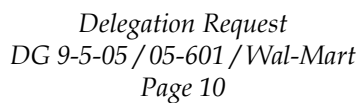
NOTARY PUBLIC, STATE OF FLORIDA

*Paul D. [Signature]*

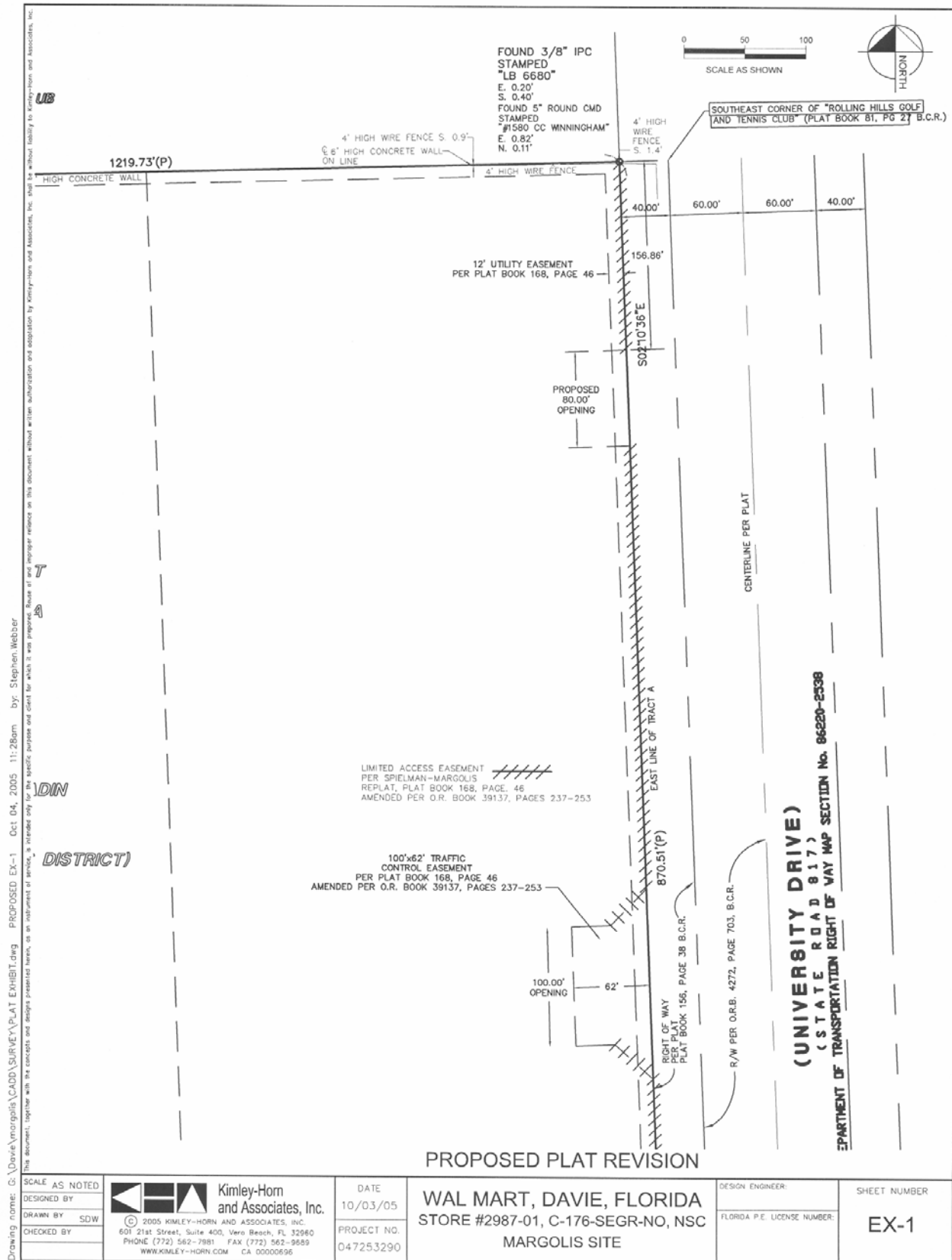
My Comm. Expires: 12/31/2010

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

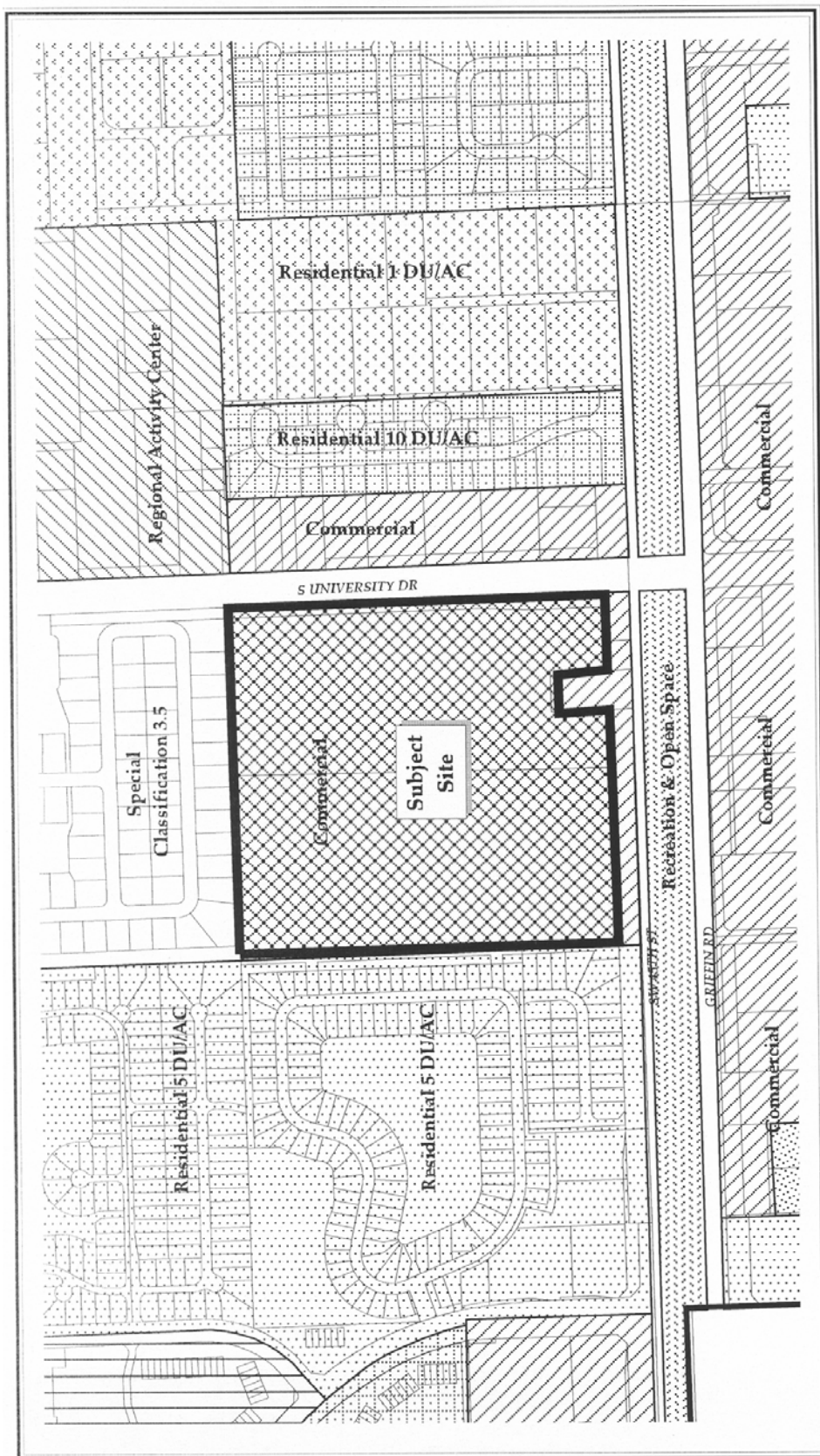
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# Exhibit 4 (Proposed Survey)



# Exhibit 5 (Future Land Use Map)



## Future Land Use Plan Map

Prepared By: D.M.A.  
Date Prepared: 6/1/06



The Town of Davie  
Development Service Department  
Planning & Zoning Division

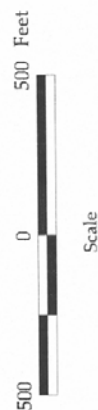
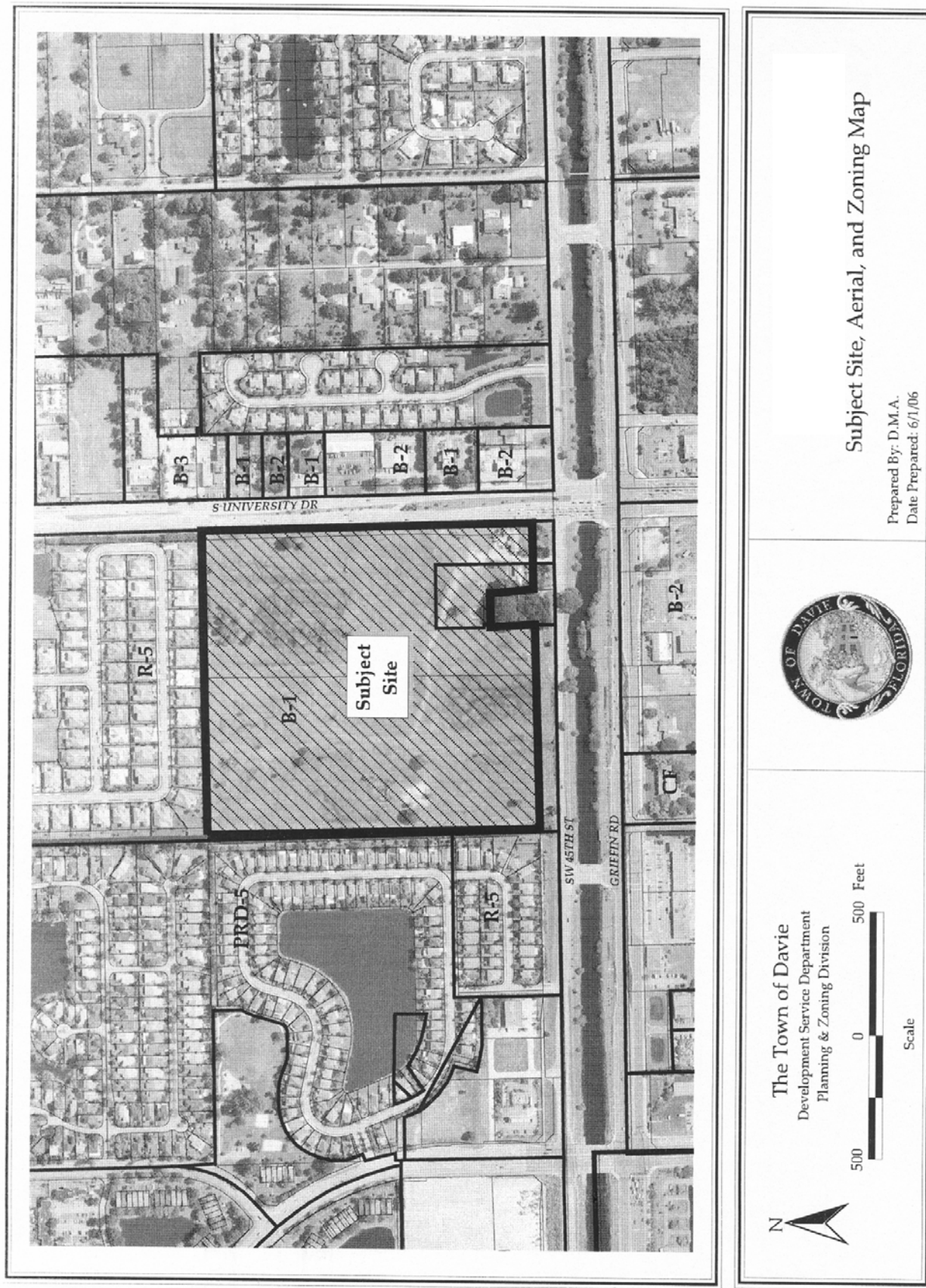


Exhibit 6 (Aerial, Zoning, and Subject Site Map)



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